

BICKLEIGH PARISH COUNCIL

The Council Office, The Woolwell Centre, Dark Lake Lane, Woolwell, PL6 7TR

Telephone 07508 324699

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FREEDOM OF INFORMATION POLICY

Introduction

The Freedom of Information Act 2000 (FOIA) is an act 'to make provision for the disclosure of information held by public authorities or by persons providing services for them and to amend the Data Protection Act 1998 the Public Records Act 1958'.ⁱ

Bickleigh Parish Council has a duty to adopt and maintain a **Publication Scheme** describing:

- The classes of information it publishes
- How and where the information is published (website / hardcopy)
- Whether there is any charge for the informationⁱⁱ

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland. Information held by Scottish public authorities is covered by Scotland's own Freedom of Information (Scotland) Act 2002. Public authorities include government departments, local authorities, the NHS, state schools and police forces.ⁱⁱⁱ

Part I, Section 19 and 20 of the FOIA details the requirements of a publication scheme.^{iv}

The Information Commissioner's Office has produced a Model Publication Scheme.^v The scheme sets out the classes of information which must be available to the public.

Our commitment

Bickleigh Parish Council commits to:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.

PUBLICATION SCHEME ADOPTED ON _____ MINUTE REFERENCE _____

- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under the terms of the Re-use of Public Sector Information Regulations 2015, if they apply, and otherwise under the terms of the Freedom of Information Act section 19.^{vi}

How we will respond to requests for information

Not all requests for information fall under the Freedom of Information Act.

The provisions of the Act need to come into force only if:

- The authority cannot provide the requested information straight away; or
- the requester makes it clear they expect a response under the Act.

Please note that the model publication scheme simply sets out the information that is routinely available. Information that is not listed in the Publication Scheme can still be requested and it will be made available unless it can be legitimately withheld.

Freedom of Information requests should be made in writing (or email) to the Parish Clerk who will aim to reply within 20 working days after receipt.

Should a personal visit to view information be required, an appointment with the Clerk will be necessary.

The following process will be followed:

- 1) A request for information must be made by letter or e-mail and should be sent to the Clerk to the Council. The request must include a contact name, an address for correspondence and state clearly what information is required.
- 2) The responsibility for dealing with all requests for information has been delegated to the Clerk of the Council.

- 3) The Clerk shall identify whether the request data is held by the Council. If not, the applicant will be notified accordingly.
- 4) If the information is held by the Council, depending on the following criteria, the response will normally be supplied within 20 works days:
 - The information request is not subject to any exemptions
 - The response does not require a fee
 - The response does not require further information.
- 5) If the request for information is unclear, the Clerk to the Council will contact the applicant to clarify what data is being sought. If clarification of a request is needed, the 20 working day period will commence on receipt of the additional information.
- 6) If the information is not held by the Council, but the Council is aware of another public body which may hold the information, the applicant will be informed and asked to contact the third party concerned.
- 7) Where information cannot be provided, a refusal notice will be issued explaining which exemption applies. If applicable, the requester will be advised of any right to appeal.^{vii}

A flow chart detailing how to respond to Freedom of Information requests is available on the ICO website ^{viii}

Information not contained within the publication scheme and exemptions

The FOIA created a general right of access to information, it also set out information that the Council does not have to make available for specific reasons, called exemptions. This is information that, if published, might prejudice the health, safety or security of the Council, its staff, systems, services or property or breached an individual's Data Protection rights.

The ICO would expect Parish / Community Councils defined information available unless:

- it does not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by another statute; the information is readily and publicly available from an external website; such information may have been provided by the public authority or on its behalf. The authority must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

If information is requested but is covered by an exemption the Clerk to the Council will tell the applicant why the Council has refused the request and quote the relevant exemptions. If the information requested is not disclosed, the applicant can ask the Information Commissioner to review the Council's decision. The Information Commissioner's Office is the Government department that oversees and enforces FOI. They can be contacted by the following link: <https://ico.org.uk/global/contact-us/>

References

- ⁱ <http://www.legislation.gov.uk/ukpga/2000/36/introduction>
- ⁱⁱ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/charging-for-information-in-a-publication-scheme/>
- ⁱⁱⁱ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>
- ^{iv} <http://www.legislation.gov.uk/ukpga/2000/36/part/1/crossheading/publication-schemes> and <http://www.legislation.gov.uk/ukpga/2000/36/section/20>
- ^v <https://ico.org.uk/media/for-organisations/documents/1153/model-publication-scheme.pdf>
- ^{vi} The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The term 'relevant copyright work' is defined in section 19(8) of that Act.
- ^{vii} How to access information from a public body - <https://ico.org.uk/your-data-matters/official-information/>
- ^{viii} https://ico.org.uk/media/for-organisations/documents/1167/flowchart_of_request_handling_under_foia.pdf

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BICKLEIGH PARISH COUNCIL PUBLICATION SCHEME

Information available from Bickleigh Parish Council under the ICO model publication scheme

Class 1 - Who we are and what we do

Organisational information, structures, locations and contacts)

This will be current information only.

N.B. Councils should already be publishing as much information as possible about how they can be contacted.

Information to be published	How the information can be obtained	Cost
Who's who on the Council and its Committees	Website / Email Hard copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website / Email	Free of charge 10p per page b/w 25p coloured plus post & packaging
Location of main Council office and accessibility details	Website / Email	Free of charge 10p per page b/w 25p coloured plus post & packaging
Staffing structure	Website / Email / Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging

Class 2 - What we spend and how we spend it

(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit). Current and previous financial year as a minimum

Information to be published	How the information can be obtained	Cost
Annual return form and report by auditor	Website / Email / Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging

PUBLICATION SCHEME ADOPTED ON _____ MINUTE REFERENCE _____

Finalised budget	Website / Email / Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Precept	Website / Email / Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Borrowing Approval letter	Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Financial Standing Orders and Regulations	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Grants given and received	Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
List of current contracts awarded and value of contract	Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Members' allowances and expenses	N/A	N/A

Class 3 – What our priorities are and how we are doing

(Strategies and plans, performance indicators, audits, inspections and reviews)

Current and previous year as a minimum

Information to be published	How the information can be obtained	Cost
Parish Plan (current and previous year as a minimum)	N/A	N/A
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Quality status	N/A	N/A
Local charters drawn up in accordance with DCLG guidelines	N/A	N/A

Class 4 – How we make decisions

(Decision making processes and records of decisions).

Current and previous council year as a minimum

Information to be published	How the information can be obtained	Cost
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Agendas of meetings (as above)	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting.	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Reports presented to council meetings – n.b. this will exclude information that is properly regarded as private to the meeting.	Email Hard copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Responses to consultation papers	Email Hard copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Responses to planning applications	By email Within minutes SHDC website – planning page.	Free of charge Free of charge Free of charge
Bye-laws	By email SHDC email website	Free of charge Free of charge

Class 5 – Our policies and procedures

(Current written protocols, policies and procedures for delivering our services and responsibilities). Current information only

Information to be published	How the information can be obtained	Cost
Policies and procedures for the conduct of council business: Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging

<p>Policies and procedures for the provision of services and about the employment of staff:</p> <p>Internal instructions to staff and policies relating to the delivery of services</p> <p>Equality and diversity policy</p> <p>Health and safety policy</p> <p>Recruitment policies (including current vacancies)</p> <p>Policies and procedures for handling requests for information</p> <p>Complaints procedures (including those covering requests for information and operating the publication scheme)</p>	<p>Website / Email Hard Copy</p> <p>Staffing / personnel and recruitment policies are in development</p>	<p>Free of charge 10p per page b/w 25p coloured plus post & packing</p>
Information security policy	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Records management policies (records retention, destruction and archive)	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Data protection policies	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
<i>Schedule of charges (for the publication of information)</i>	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging

Class 6 – Lists and Registers

Currently maintained lists and registers only

(hard copy or website; some information may only be available by inspection)

Information to be published	How the information can be obtained	Cost
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Assets register	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging

Register of members' interests	Website / Email SHDC Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Register of gifts and hospitality	Website / Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging

Class 7 – The Services we offer

(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)

Current information only

Information to be published	How the information can be obtained	Cost
Allotments	N/A See footnote ¹	N/A
Burial grounds and closed churchyards	N/A	N/A
Community centres and village halls	N/A	N/A
Parks, playing fields and recreational facilities	N/A	N/A
Seating, litter bins, clocks, memorials and lighting	Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Bus shelters	Email Hard Copy	Free of charge 10p per page b/w 25p coloured plus post & packaging
Markets	N/A	N/A
Public conveniences	N/A	N/A
Agency agreements	N/A	N/A
<i>Services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)</i>	N/A	N/A

¹ Section 23 of the Small Holdings and **Allotments Act** 1908 places a duty on local authorities including **parish councils** (except for inner London boroughs) to provide **allotments** where they perceive a demand for them in their area. There is however no time constraints within which to provide land.

Additional Information

This will provide Councils with the opportunity to publish information that is not itemised in the lists above

Information to be published	How the information can be obtained	Cost
Bickleigh Parish Neighbourhood Plan	Website / Email SHDC website Hard Copy	Free of charge Free of charge 10p per page b/w 25p coloured plus post & packaging

Contact details:

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SCHEDULE OF CHARGES

For more than 10 copies the Council reserves the right to charge for the supply of hard copies as detailed below.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ 10p per sheet (black & white)	Actual cost
	Photocopying @ 25p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 nd class

An hourly charge of £25 for information location and retrieval for requests covering more than ten documents (NB: if this would total more than £450, the Council is entitled not to agree to your request) if applicable

You will only be charged once the information has been provided. An invoice will be produced explaining how the fee has been calculated, the amount due for payment and the payment terms.